File No. AFD 31 FAF 69

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department A & F Section Forest B

Subject :— control and supervision over the forest ~~dept~~ settlement officer.

Earlier References :—

Later References :—

Fer 6/3/69

(Classification A/B/C)

28.7.69

Notes Pages 11

Correspondence Pages 36

~~For~~/Not for Section note Book

To be destroyed after ~~[illegible]~~ B-Record

Under Secretary to Government.

1.4.04

ಪಂಚಕ್ಷರಿ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿ
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಅರಣ್ಯ-ಬಿ)

M. G. S. | Subject: | File No. 12

AFD 31 FEG 59

Sl-No-1 page 1,
Letter No. REV-5004 AND 68-69 dt. 26-2-59 from the ~~C.C.F.~~ Dol. Comm. Gulbarga

Sl. No. 2 - p 1
Letter No. B-6-17-1571/58 dt. 1-3-59 from the C.C.F., Bangalore

Note No-1

① Flag P

1) In G.O. No. AFD ① 258 FEG 59 dt. 28-7-60, sanction has been accorded for the creation of a post of Forest Settlement Officer for Gulbarga Div. for a period of two years along with other necessary staff for forest settlement work.

2) It has been laid down in the aforesaid G.O. that the F.S. Officer shall be directly under the control of the Conservator of Forests, Bellary, i.e. Forest Deptt.

3) The Forest Settlement Officer has now (2) represented that he may be placed under the control of the Dvl. Commr., Gulbarga, in view of the various reasons and legal provisions given by him at Sl. No. 1-A p1 to p.3. F.

(2) Sl. No. 1-A-p1 to p.3.

Some of the provisions, as pointed out by him, are mentioned below.

(i) Under Rule 2 (3) made under Hyderabad Forest Act, 1326 F, it is stated that a Revenue Officer may be specially appointed as Forest Settlement Officer or the duties of the post may be entrusted to the Second Talukdar (Asstt. Commissioner) of the Dvn. concerned and it is also stated

(3) X on Sl. No. 1-A p1

clearly and categorically that for all purposes the Forest Settlement Officer would work under the Subedar (Divisional Commissioner) to whom his appeal lies.

(4) Y on Sl. No. 1-A-p.2

(ii) According (4) to sub-Section 3 of Sec. 7 of the Mysore Land Rev. Act, 1964, the Divl. Commr. will exercise powers and discharge the duties conferred on him under this Act or any other law for the time being in force. The Forest Act and the rules come under the category of "any other law" for the time being in force.

(5) Z on Sl. No. 1-A-p1

4) The Forest S. Officer has (5) stated that Rule No. 2 referred to above is still in force in Hyderabad Karnataka Area.

5) The Dvl. Commr., Gulbarga, has stated (6) that in his opinion the view of the F. S. Officer appears to be correct. (6) Sl. No. 1-P1

6) Appeals against the (7) orders of the F. S. Officer are now preferred to the Mysore Rev. Appellate tribunal and not the Dvl. Commr., Gulbarga. (7) A on Sl. No. 1-D-P1.

7) The C.C.F. has (8) pointed out that the appointment of the F.S. Officer, Gulbarga, is for whole time and as such his appointment comes under the second category (9) of Rule 2. He also states that as Judicial Officer he is quite independent of Forest Dept as per Rule (10) 3. C.C.F. has stated that orders of Govt. as deemed fit may be issued. (8) Sl. No. 2-P1 (9) B on Sl. No. 1-B-P1 (10) C on Sl. No. 1-B P1

M. G. S. | Subject: | File No. 6 5

AFD 31 FAF69

8) In the case of the Forest Settlement Officer, South Kanara Distt., this Deptt. has revised the earlier (11) G.O. and has placed him under the control of the Dy. Commissioner, S. Kanara, Mangalore, vide please G.O. (12) No. AFD 168 FAF64 dt. 31-8-67 and paras 231 to 237 n.f. of file No. AFD 168 FAF64 placed below.

9) In view of the above precedent, the F.S.O., Gulbarga, may be placed under the control of the Dvl. Commr., Gulbarga. As in the case of file No. AFD 168 FAF64 (paras 231 to 237 n.f.), this case need not be referred to L.D. or R.D.

For orders.

10) Since this is an EGA matter and as law orders of creation of the Posts

1 = Flag (11) N

(12) 1 = Flag M

[Files placed below
1) AFD 258 FEG59
2) AFD 168 FAF64]

6/3/69

WD 01050—GPB—8,00,000 13-12-65

Posting of this officer was done ~~dealt with~~ in Forest A; that Section may also note with reference to the latest G.O. issued after 1960

Note No. 2

7.3.69

11) Pl. ascertain & indicate the latest G.O. Continuing the post. The period of two years indicated in the G.O. of 1960 is over long ago.

15/3/69

Note No. 3

In G.O. No. AFD 126 FEG68 dt. 2-7-1968 the post of the Forest Settlement Officer, Gulbarga, has been continued for a further period of 1 year from 28-7-1968

F-leg V (1)

17-3-69

Ref: note 2. para 9

For orders on note ~~1~~ n/f

18/3

[Files placed below:-
(1) AFD 126FEG68
(2) AFD 258FEG60
(3) AFD 168FFG4]

Note 4

Strictly according to the Rules, the F.S.O should be under the administrative control of the Divisional Commr.

Dy. Secy. A&F No. 1809 18/3

M. G. S. | Subject: | File No. 87

1809

No. (K) Date
1437
Sri. U.

Secy., A. & F.
No. 1453
Date 22/3/69

and not under the Conservator of C.F.

the TA Bills and leave applications of the F.S.O should be sent to the Govt. in the Forest Dept.

Since the Govt. concur Gulbarga, after examining the provisions of the Rules, has recommended to transfer the Control of the FSO to the Govt. Conc., we may accept the proposal and notify the initial GO dated 28.7.60

21/3/69

Secy. A/Lf) For his remarks

MS we approve
26/3

27/3/69

R. & I. SECTION
No. 14938
Date 27 MAR 1969
Section

R.D.)

NOTES

This may be referred to Rev 'A' for remarks on note 3

27/3/69
Rev 'A' Section

27.3.69
M. R. MADAPPA
Under Secretary, Rev. Depts.

NOTES

~~Rev 'A' Section is no objection~~

No. (A) 1730 Date 15/4

pl speak 2/4/69
8/4. Sri Madhav
14/4/69
Shri MH)

Subject: **File No.** 9 **M. G. S.**

WD 01050—GPB—8,00,000 13-12-65

AFD 31 FAF 69

~~Africa its remarks on note 3 with this information this may be returned to Rev. 'K' section~~

1730/A

~~15/4/69~~

13858

2161/FB

Note 6

The A.F. Dept may please indicate under whose administrative control the Forest settlement officers in other divisions, if any are working.

16/4

A.F.

15/4/69

16/4/69

Note No. 7

Please see Note No. 6. A draft letter to the C.C.F., Bangalore, is put up for approval at Sl. No. 3 / Page 28.

18-4-69

Issue

19.4.69

ISSUED

Date 21-4-1969

Sl. No. - 3 (Issue) Letter dt 21-4-69 to the C.C.F., Bangalore.

E. File No. AFD/68 FAF 69 taken by Shri H.K. Ramanande on 22-4-69 for file No. AFD/161 FGL 69

22/4/69

M. G. S. | Subject: | File No. 109
AFD 31 FAF 69

S.N :-
File No
AFD 126 FEG 68
Taken by Shri
B.J. Basappa
of Forest A.
on 3 05 69 for
S.N
AFD 3384/FA/69
3 05 69

Serial No. 5 (Receipt) Letter No
B6-17-1571/58 dt. 22-5-69 from
the C.C.F., Bangalore.

NORD(A) 145/69
16/6/69

R.D. (K)
No 9855 Date

Note No 8

(1) Please see Note No. 6. The required information is at sl. No 5/Page 32. This may now be sent to R.D. with reference to Note No. 4.
6/6/69

7/6/69

6/6/69

[Files placed below :-
(1) AFD 168 FAF 64
(2) AFD 258 FEG 59] RD

4/6/69

Note 8

(2) Forest Dept may be requested to make available the collection no. AFD 126 FEG 68 as the same is needed to find the remarks. There is no need to call for the collection no AFD 126 FEG 68

Dy. Secy. A&F
No. B2 BRECTION
R.D.
No. 06855
Date 1969
Section

Rev A) 9/6/69

10/6/69

Subject: File No. 31 FAF 69 !! M. G. S.

WD 01050—G°B—8,00,000 13-12-65

The proposal is to place the Forest Settlement Officer, Gulbarga under the administrative control of the Divisional Commissioner, Gulbarga, R.D. may agree to this proposal

1730 A/69

DSLR. 2933
18/6/69

L & L SECTION
A.&F.D.
No. 21223
18 JUN 1969
3203/FR

13/6

A.S.R.D

A & F.D. 17-6-69

Note No. 9.

In para 3 under Note No. 8, (1) R.D. has agreed to the proposal to place the Forest Settlement Officer, Gulbarga, under the control of the Divisional Commissioner, Gulbarga. The draft G.O. put up at Sl. No. 6 / Pages 33 to 34 may now issue after approval.

(from note 1)

30.6.69.

2/7/69

[Files placed below :-
(1) AFD 168 FAF 64
(2) AFD 258 FEG 59]

Dy. Secy., A&F
No. 3777
3/7

M. G. S.

Subject:

File No. 12/11

Note 10 AFD 31 FAF 69

(2) RD have agreed to place the Forest Settlement Officer Gulbarga under the Control of the Divisional Commissioner Gulbarga, with ref. to note 4 and the Secy's endorsement there under.

A draft GO is put up for approval

3779

Secy. A/FF (3) ~~For~~ appr 3/7/69

Secy., A. & F.
No. 3312
Date 4/7/69.

Min. of St. Forests.
No. 965 Date 5/7.

Min (~~Forests~~) (4) Approved.

25/7/69

ALUR HANUMANTHAPPA
Min. of State for Forests.

Dy. Secy A/FF (5) 25/7

Issue 25/7.

ISSUED
Dated 28/7

The file may be closed B

28-7-69.

1.8.69

Recd B
28/7/69.

36/13

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub: Control and supervision over the Forest Settlement Officer, Gulbarga.

ORDER NO.AFD 31 FRF 69,
BANGALORE, DATED THE 28TH JULY 1969.

With reference to the Chief Conservator of Forests in Mysore, Bangalore, letter No.B6.17.1571/58 dated 22-5-1969, on the above subject, the Governor has been pleased to order in partial modification of the Government Order No.AFD 258 FEG 59 dated 28-7-1966 that the Forest Settlement Officer, Gulbarga, be placed under the administrative Control of the Divisional Commissioner, Gulbarga.

2877/69

(B.N.Anjanappa)
i/c Under Secretary to Government,
Agriculture & Forest Department.

To

The Chief Conservator of Forests in Mysore, Bangalore.
The Accountant General, Mysore, Bangalore.
The Divisional Commissioner, ~~Bidar~~ Gulbarga.
The Deputy Commissioner, Gulbarga, Raichur & Bidar.
The Conservator of Forests, Hallaly.
The Revenue Department.

Serial No. 6 14 34

Proceedings of the Govt. of Mysore

Subject:- Control and supervision over the Forest Settlement Officer, Gulbarga.

No. AFD 31 FAT 69

Dt. . . . .

Serial No. 5
Page 32

With reference to the C.C.F., Bangalore, letter No. BT 17-1571/58 Dt. 22-5-69, on the above subject, the Governor has been pleased to order in partial modification of the G.O. No. AFD 258 FEG 59 Dt. 28-7 to that the Forest Settlement Officer, Gulbarga, ~~should~~ be placed under the administrative control of the Dvl. Commr., Gulbarga.

ISSUED
Dated 28/7

Flag P

Sd/-
21/7

U. S. to Govt., A. of F. Deptt.

To, The C.C.F., Bangalore
The Dvl. Commr., Gulbarga,
The Dy. Commrs., Gulbarga, Raichur & Bidar
(P.T.O.)

33

The Con. of Forests, Bellary
The A.g., Bangalore.
The R.D.

Serial No 5

32/16

No. 5-17-1571/58.

Chief Conservator's Office
Bangalore:Dated: 22/5/1969.

To

The Secretary to Government,
Agriculture and Forest Department,
BANGALORE.

Sir,

2836/FB
18078

Sub:-Control ofSupervision over the Forest Settlement Officer, under the Hyderabad Forest Act and the Rules framed thereunder.

Ref:-Government letter No.AFD-31-FAF-69 Dated 21-4-1969.

- - - -

There are 3 Forest Settlement Officers in the State:-

1. The Forest Settlement Officer, Kanara with Head Quarters at Karwar. This post is held permanently by the Assistant Commissioner, Karwar Division,Karwar with a separate office for Forest Settlement work in Kanara District. He is under the direct control of the Deputy Commissioner, North Kanara District.

2. The Forest Settlement Officer, Gulbarga, specially appointed for Forest Settlement work in the Districts of Gulbarga, Bidar and Raichur Districts. He is under the control of the Conservator of Forests, Bellary.

3. The Forest Settlement Officer, South Kanara,Mangalore, specially appointed for Forest Settlement work in the South Kanara District. He is under the control of the Deputy Commissioner, South Kanara, Mangalore.

In other Districts, the work of Forest Settlement is attend to by the respective Assistant Commissioners concerned as Ex-Officio Forest Settlement Officers.

Yours faithfully,

D. Ranjundappa 21/5
Chief Conservator of Forests

N.

Sr. Nov 4 31/17

Office of the
Chief Conservator of Forests
in Mysore, Bangalore,

Dated / 23-4-1969.

No.B6-21.1571/58. 24.

To

14729

The Divisional Commissioner,
GULBARGA.

R. & I. SECTION
A.C.F.D.
25.10/B
25 APR 1969
A & F (Forests)
No. Date.
2669
25/4.

Sir,

Sub: Transfer and posting of Shri G.Shashikant Rao Forest Settlement Officer, Gulbarga as Gazetted Assistant to the Divisional Commissioner, Gulbarga - Relief of - Requested.

Ref: Your D.O. No.REV.EST-5448-68-69 dt.19-4-69.

Since the Post of the Forest Settlement Officer is held by the Assistant Commissioner, arrangements may kindly be made to relieve the Forest Settlement Officer, through the local Assistant Commissioner pending joining of duties by Shri V.B. Badami who is posted in his place. If he is to be relieved by the Officer of this Department, Government Orders will have to be obtained in the matter, which will take time. It is also pointed out here that when the Divisional Forest Officer, Gulbarga had held charge temporarily and had signed notification under Section 6 of the Hyderabad Forest Act, the present Forest Settlement Officer opined that it is objectionable to issue such notifications under the signature of the Divisional Forest Officer. To avoid such legal complications it is desirable that Shri G.Shashikant Rao, Forest Settlement Officer is relieved by the Local Assistant Commissioner.

Yours faithfully,

(sd)

CHIEF CONSERVATOR OF FORESTS.

Enc. one

COPY with copy of the D.O.letter under reply submitted to the Secretary to Government, Agriculture and Forest Department, Bangalore for favour of issuing further instructions in the matter. From the transfer of charge report received from the Divisional Commr. Gulbarga, it is seen that Shri V.B.Badami has been relieved of his duties on 7-4-69 After Noon and proceeded on earned leave, period of which is not indicated.

Copy to the Conservator of Forests, Bellary,
Copy to the Forest Settlement Officer, Gulbarga.

For perusal

Sri k

30/4.

P/put up

Connected papers

[Files placed below
1) AFD 52-6 FEG 68
2) AFD 58-8 FEG 59]

D. Nanjundappa 23/4
CHIEF CONSERVATOR OF FORESTS.

File No. AFD 31 FAT 69 is submitted herewith.
1) This may be placed in the file
2) Remind CCF

Copy of the letter No. D.O.No.REV.EST.5448-68-69 dated 19-4-69 from the Divisional Commissioner, Gulbarga Division, Gulbarga, addressed to the Chief Conservator of Forests in Mysore, Bangalore.

Sub: Transfer and posting of Shri G.Sashikant Rao Forest Settlement Officer, Gulbarga as Gazetted Asstt. to the Divisional Commissioner, Gulbarga - Relief of requested.

Ref: Govt. Notification No. FAD 83 SMC 69 dated 3-4-69.

This office REV.EST-5448-68-69 dated 9-4-69.

I invite your reference to this office letter cited above and request you to make necessary arrangements for relief of Sri G. Sashikant Rao Forest Settlement Officer who is transferred to this Office immediately. Action taken may please be intimated.

Copy-

Chief Conservator of Forests.

Sl. No. 3 Subject:- Control and supervision over the Forest Settlement Officer, under the Hyderabad Forest Act and the Rules framed thereunder 19.28

No. AFD 31 FA-69

ISSUED
Date 21-4-1969

To, The C.C.F., Bangalore

Sir, With reference to your letter No B6-17-157/58 dt. 1-3-69, on the above subject I am directed to request you to indicate under whose administrative control the Forest Settlement Officers in other Dns. are working.

Sl. No. 2 Page 27

Yours faithfully
19.4.69
S.O., A.F. Deptt.

Sl.No 2 20 27

F.B6-17-1571/58
Enc. 7

Chief Conservator's Office
Bangalore:Dated: Feb.1969.
1-3

To

The Secretary to Government,
Agriculture and Forest Department,
BANGALORE.

1334/FB
3/3

R. & L. SECTION
A.&F. Dir,
No.
Date 3 MAR 1969
07565

Sub:-Control and supervision over the Forest Settlement Officer, under the Hyderabad Forest Act and the Rules framed thereunder.

- - - -

I enclose herewith letter No.1-4-RFT/62-63 Dated 27/31-1-1969 with its accompaniments received from the Forest Settlement Officer, Gulbarga addressed to the Conservator of Forests, Bellary and a copy submitted to this office, seeking clarification under whose supervision and control he should work. He quotes Rule 2 framed under Section 63 (b) of the Hyderabad Forest Act 1326-F by the Ex-Hyderabad Government (Copy of which already furnished to Government) and points out that Forest Settlement Officer, should work under the control of the Divisional Commissioner concerned for all purposes.

FD

Forest B/E 3/3

Sr A 3/3

Occasion for such clarification arose when the present Forest Settlement Officer made a reference to this office in the Reservation proposal of Forest Block Allahpur in Gulbarga District, pointing out the irregularities committed by his predecessor in deciding the claims of private owners whose private lands were included in the Notifications under Section 4 of the Hyderabad Forest Act, and the Conservator of Forests, Bellary was requested by this office to obtain the opinion of the Divisional Commissioner regarding the legality or otherwise of the procedure followed by the then Forest Settlement Officer, Gulbarga.

In Rule 2 quoted by the Forest Settlement Officer Gulbarga, it is stated (1)"In the case of the Forest Settlement Officer being the Second Talukdar of the Division, he will work as Forest Settlement Officer under the Direct Control of the Subedar (Divisional Commissioner) and he will send his daily dairy to him. But his applications for leave and T.A.Bills will be submitted to the First Talukdar (Deputy Commissioner)". (2)"In the case of special whole ~~line~~ time Forest Settlement Officer being appointed, these papers will be sent to the Forest Section of the Revenue Secretariat and the budget provision will be made by the Forest Department".

The appointment of the Forest Settlement Officer, Gulbarga is for the whole time and as such his appointment comes under the second category of Rule2. As per Government Order No.

....2.

Sl. No. 2 21/95

No.AFD-258-FEG-59 Dated 28-7-1960 (Copy enclosed), he was placed under the direct control of the Conservator of Forests, Bellary for the administrative convenience such as appointment of staff, sanctioning of leave, T.A.Bills etc. and to have a control over the expenditure to be met thereon by him from the budget provision made by the Department and also over the Forest Settlement work carried out by him.

But in his capacity as Judicial Officer, he is quite independent of this Department as laid down in Rule3 and for any procedural difficulties he is at liberty to obtain clarifications from the higher Authorities of the Revenue Department as he is deemed to be a subordinate to the Divisional Commissioner in all events, as indicated in Rule 2.

Usually, all draft Notifications under Section 19 of the Hyderabad Forest Act are routed through the Divisional Commissioners concerned as indicated in Rule 24, before submission to Government through this office and if any irregularities are noticed in the procedure followed by the Forest Settlement Officer they can be got duly set right or offer his comments thereon before transmission to Government.

In the circumstances pointed out above, orders of Government as deemed fit in the matter, may kindly be communicated early.

Yours faithfully,

D. Nanjundappa 28/2

N. Chief Conservator of Forests

Sl.No 2 22A 24

Government of Mysore

No.1/4/RFT/62-63

Office of the
Forest Settlement Officer,
Gulbarga.
Dated: 27th Jan, 1969
3156

To,

The Conservator of Forests,
Bellary Circle, BELLARY

Sub:- Control and supervision over the Forest Settlement Officer, under the Hyderabad Forest Act and the rules framed there under.

Sir,

After the receipt of the Chief Conservator of Forest's letter dated; 27th November, 1968 in file No.1/4/RFT/62-63 in - which he has made an allusion to the fact that the Department is not competent to decide the legality or otherwise of the procedure followed by the Forest Settlement Officer, who are officials of Revenue Department. In this regard, I would like to submit that the matter about the authority under whose supervision and control I am to work has become un clear. Under rule 2 framed under the Hyderabad Forest Act 1326 Fasli, It is stated that a revenue Officer may be specially appointed as Forest Settlement Officer or the duties of the post may be entrusted to the Second Talukdar (Assistant Commissioner) of the Division Concerned and it is also stated clearly and categorically that for all purposesthe Forest Settlement Officer would work under the subedar(Divisional Commissioner) or subedars or (Divisional Commissioner's) to whom his appeal lie. In rule 3, it is laid down that, although the Forest Settlement Officer is a Revenue Officer, his work is court work. The Forest Department of the District concerned is one of the - parties before Forest Settlement Officer's court. And this is laid down in rule 12. On tour, the concerned forest officer will accompany the Forest Settlement Officer and he will be responsible for seeing that the point of view of the Forest Department is properly represented. The copies of all claims received in writing or presented personally to the Forest Settlement Officer shall be forwarded within four days of receipt to the Divisional Forest - Officer or shall be sent through the person appointed by the Government under section 7, corresponding to section 4 of the Hyderabad Forest Act 1355 Fasli. After receving claims and replies of the Forest Department , which shall be put in within a month after giving an opportunity, of rejoinder the original claiments, The Forest Settlement Officer shall frame issues and record evidence after hearing the parties decide on the facts of the case. Section 16 also is indicative of the fact that any officer or - other person generally or specially empowered by the Government to file written replies etc., can also file appeals.

Thus, to mete out justice between the Forest Department concerned and other private parties regarding the Settlement of rights and claims, the Forest Settlement Officer is expected to hold the scales of justice even as he has to pass orders, conforming to the Civil Procedure Code and Evidence Act etc., And this is the reason why the post is treated for all purposes as a court and required to work under the subedar. The true urdu extract of rule 2,3 and 12 along with translation is enclosed herewith for your kind persual. These rules have been framed under section 63 of Hyderabad Forest Act 1326 Fasli. As no new rules have been framed under the Hyderabad Forest Act 1355 Fasli, the above rules are still in force in this region and so they may be said to be statu tory rules having the force of law. Under section 85 of Hyderabad Forest Act 1355 Fasli, these rules have been saved by repeal and saving clause. Even in article 366 clause 10 of the Constitution of India, the word "Existing law" has been defined as follows.

" Existing law " means any law, ordinance, order, bye-law rule or regulation passed or made before the commencment of this consition by any legislature, authority or person having power to make such a law, ordinance, order bye law , rule or regulation.

According to the above defintion it may be safely.

13063

Conti.2

3 Sl. No 2-A pr -2- 23.

stated although these rules have been framed before the [illegible]ti-tution of India come into force, never the less, they ha[illegible]been defined existing law and so the above rules made under the Hyderabad Forest Act 1326 Fasli are existing law. Also under article ~~clause~~ 13 clause(3) sub-clause(a)"Law" has been defined as under.

"Law" includes any ordinance order, bye-law, rule ~~and~~ regulation, notification, custom or usage having in the territory of India the force of law, and laws in force has been defined in sub-clause(b) of clause(3) of article 13 "Laws in force" is defined as under.

"Laws in force" includes laws passed or made by a legislature or other competent authority in the trritory of India - before the commencmentof this constitution and not previously repealed, not with standing that any such law or any part thereof may not be then in operation either at all or in particular areas. Therefore these rules have the force of law and are operative in Hyderabad Karnatak area.

According to sub-section 3 of section 7 of the Mysore Land Revenue Act 1964, the Divisional Commissioner will exercise powers and discharge the duties conferred andimposed on him by or under this act or any other law for the time being in force. The Forest Act and the rules come under the category of law " any other law for the time being in force" so under this section also, the Divisional Commissioner is empowered to exercise supervision and control over the Forest Settlement Officer as he is appointed under the Forest Act and the rules which are for the time being in force.

As far as appeals from the orders of the Forest Settlement Officer, are concerned, they will lie to the Revenue Appellate - Tribunal because the powers of appeal and revision now are vested with the Revenue Appellate Tribunal and not the Divisional Commissioner as per Mysore Land Revenue Act. In section 3 of theMysore Land Revenue Amendment Act No.2 of 1966, it is stated that all appeals and proceedings pending before the Divisional Commissioner from any order or proceedings disposed of by any officer subordinate to the Divisional Commissioner under any enactment of law repealed by sub.section(1) of section 202 of the principal act or any rule or order made there under shall stand, transfer to the Tribunal and shall be disposed of by the Revenu e Appell Tribunal. Thus the powers to the extent of appeal and revision - have been taken away and conferred on Mysore Revenue Appellate Tribunal.But so far as the administrative control is concerne it still lies with the Divisional Commissioner, as stated in s section 3, of section 7 of the Mysore Land Revenue Act and the Chief Conservator of Forests has referred to this in his lette already mentioned.

After the receipt of the Chief Conservator of Forests, letter dated; 30-11-68, I perused the rules framed under the Forest Act carefully and went through the original Government Order. This Government Order dated; 28th July,1960 read with orders of extension states that the Forest Settlement Officer should work directly under the control of Conservator of Forests Bellary . Thus as a ~~under~~ result of the above Government Order , I shall be considered as sub-ordinate to the Conservator of Fores Bellary. But under the Forest Act and its rules and also the Land Revenue Act, the Forest Settlement Officer is considered as subordinate officer to the Divisional Commissioner. These contrary position in my opinion cannot be reconciled with each other. Previously , the Chief Conservator of Forests in his letter No. B6-21-1571/58 dated; 23-8-62 sought the clarification about the appointment of the Deputy Commissioner of the District or the Divisional Commissioner as required by section 16(a) of the Act to hear appeals from any orders passed by the Forest Settlement Officer under section 10 and 11. He has also directed to verify whether the words subedar mentioned in section 16(a) has been changed to the talukdar after abolishion of the posts of subedars in the year 1954 or so; before entering the designation of the appellate authority under section 16(a) of act. The Then Forest Settlement Officer in his letter dated;;24-11-62 has sent a clarification on various points raised in the said letter of Chief Conservator of Forests . He has pointed out on page 2 of his -

Conti.3.

SL No. 2-A 24.22

letter that the powers of Board of Revenue have been divided into two categories.

1) Administrative.

2) Judicial Powers.

He has also pointed out that the Divisional Commissioner, Gulbarga has been delegated almost all the Administrative powers with some minor changes. The appellate powers under various acts have been delegated to Mysore Revenue Appellate Tribunal and a copy of his letter is enclosed herewith. The copy of the letter of the Chief Conservator of Forests, Bangalore addressed to the Divisional Forest Officer, is also sent herewith for favour of kind perusal. The said letter of the Forest Settlement Officer is a pointer to the fact that administrative control and supervision vested in the subedar. Hence I request the Chief Conservator of Forests, through Conservator of Forests, Bellary kindly to get a clarification from the Secretary to the Government Forest Department in this behalf. This may kindly be treated as urgent and clarification sought may kindly be given.

Yours Faithfully

Sd/

Forest Settlement Officer,
Gulbarga.

Copy submitted to the Chief Conservator of Forests, Bangalore for favour of information and necessary action.

Copy submitted to the Divisional Commissioner, Gulbarga for favour of information and necessary action.

Sd/

Forest Settlement Officer,
Gulbarga.

Sl No 2 25 21

RULE 2

The Forest Settlement Officer appointed under section 7 of Hyderabad Forest Act 1326 Fasli will either be a Revenue - Officer especially appointed for this purpose or the Second - Talukder of the division concerned and in all events the Forest Settlement Officer would be deemed to be a subordinate to the subedar (Divisional Commissioner) or subedar's(Divisional Commissioner's) to whom the appeal or the appeals lie from the orders of the Forest Settlement Officer. However in the case of the Forest Settlement Officer being the Second Talukdar of the division, he will work as Forest Settlement Officer under the direct control of the subedar (Divisional Commissioner) and he will send his daily dairy to him. But his applications for leave and T.A.Bills will be submitted to the First taluk dar(Deputy Commissioner). In the case of specail whole time Forest Settlement Officer being appointed these papers will be sent to Forest Section of the Revenue Secretariat and the budget provision will be made by the Forest Department.

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RULE 3

The Forest Settlement Officer although is a Revenue Officer ,but his court is a judicial court and in his procedure he will follow the general principles prescribed for hearing of civil cases, He should realise however that he is more than a court in settling claims which are presented. It is his duty to see that every public or private right within the reserve is investigated and settled. The fact that a claim may not have been made within the fixed time does not annhilate the claim in law, but the Forest Settlement Officer must take into consideration the circumstances in which the notices are published and ensure that every body that may have a claim does realise that the forest settlement work has begun and that the claims should be made.

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RULE 12

Enquires should be made by Forest Settlement Officer, as far as possible at convenient ceneteres within 3 miles of the porposed reserve boundary. Cases should never be fixed for hearing at Hyderabad or even at the District Head Quarters ,except in cases where the parties so specially desire. The concerned forest officer shall accompany the Forest Settlement Officer during his tour who will be responsible for representing correctly the view of the forest department. The procedure to be followed in regard to evidence, in the examination and cross examination of witnesses, in framing issues and in arranging documents and other evidence and construction of files the same procedure will be adopted as laid down in the Civil Procedure Code for Civil Courts. Copies of all claims received in writing or presented to the Forest Settlement Officer shall be forwarded within 4 days of receipt to the Divisional Forest Officer or shall be sent through the person appointed by the Government under section 7. After receiving claims and replies of the forest department which shall be put in within a month, and after giving an apportunity a rejoinder from the original claimants, the Forest Settlement Officer shall frame issues and record evidence and after hearing the parties, decide on the facts of the cases.

/ Translation from original urdu rules to English/

FOREST SETTLEMENT OFFICER.
GULBARGA.

تقرر عہدہ دار بندوبست صحرا، قاعدہ ۳۰ - تحت دفعہ (۷) قانون صحرا، حاصل محروسہ سرکار عالی
بابتہ ۱۳۲۶ف خدمت عہدہ دار بندوبست صحرا، برائے عہدہ دار مال کا
تقرر عمل میں آسکیگا جو بطور خاص اس کام کے لیے منتخب کیا جائے یا خدمت مذکور کے
فرائض متعلقہ ڈویژن مال کے دوم تعلقدار کے تفویض ہو سکینگے اور ہر صورت میں
عہدہ دار بندوبست صحرا، اس صوبہ دار یا ان صوبہ داران کے ماتحت متصور ہوگا جنکے پاس
دوم تعلقدار ڈویژن ہو تو وہ راست صوبہ دار کی نگرانی میں کام اور صوبہ دار کے پاس
اپنا روزنامچہ پیش کریگا۔ لیکن اسکی درخواست ہائے رخصت سرآوردات
سفر خرچ وغیرہ اول تعلقدار ضلع متعلقہ کے پاس پیش ہو سکینگے اور جب خدمت
بندوبست صحرا، پر ایک خاص عہدہ دار کا تقرر کیا جائے جبکہ تمام وقت خدمت
مذکور کے فرائض کی انجام دہی میں صرف ہوتا ہو تو اس صورت میں ایسے عہدہ دار کی
درخواست ہائے رخصت۔ سرآوردات سفر خرچ وغیرہ راست صیغہ مال گزاری
کے شاخ صیغہ جات صیغہ حساب میں پیش ہوا کرینگے اور اخراجات لاحقہ کیلئے
گنجائش کا انتظام سررشتہ صیغہ جات سے ہوا کریگا۔

قاعدہ (۳۱) عہدہ دار بندوبست صحرا، اگرچہ عہدہ دار مال ہے لیکن اسکا اجلاس ایک عدالتی
اجلاس متصور ہوگا اور طریقہ کارروائی میں وہ مجموعہ ضابطہ دیوانی کے عام اصول کے مطابق
عمل کریگا۔ مقصود یہ امر عہدہ دار مذکور کے ذہن نشین رہنا چاہیئے کہ اسکی حیثیت
ایک ایسے عہدہ دار عدالت کے مماثل اور اس سے علیحدہ بھی ہے جو محض ان دعاوی کی
سماعت اور تصفیہ کا اقتدار رکھتا ہے جو اسکے روبرو کسی فریق کی جانب سے پیش ہوں
کیونکہ ایسے دعاوی کی سماعت اور تصفیہ کے علاوہ عہدہ دار بندوبست صحرا کا
یہ بھی فرض ہوگا کہ اس امر کا بطور خود اطمینان کرے۔ ہر سلک یا خانگی حق
جو قوعہ اندرون حدود صحرائے محصورہ کا کامل تحقیقات کے بعد ہی تصفیہ کر دیا گیا ہے۔
مثلاً اگر کسی حق کی نسبت اندرون مدت حصہ مقررہ قانون دعوی پیش نہ ہو ایسا
دعوی قانون نقطہ نظر سے ناقابل سماعت متصور ہوتا ہے۔ لیکن ایسی تجویز سے قبل
عہدہ دار بندوبست صحرا، پر لازم ہوگا کہ ان حالات پر غور کرے جنکے تحت اعلانات
طلب دعاوی کو تشہیر عموماً کیجاتی ہے اور اسکو اسکا کافی اطمینان کر لینا ہوگا کہ
ہر شخص جسکو کوئی حقوق حاصل ہوں یہ محسوس کر چکا ہے کہ بندوبست صحرا، کا
آغاز ہو چکا ہے اور اسکو فوراً دعاوی پیش کر دینے چاہیئے ورنہ اسکے
حقوق تلف ہو جانے کا اندیشہ ہے۔

Mohammad Ismail Khan
Mohammad Ismail Khan
Mohammad Ismail Khan

ضابطہ تحقیقات

Sl. No 2

19

20

قاعدہ ۱۲ عہدہ دار بندوبست جنگلات کو لازم ہوگا کہ قریب جنگل کے حدود سے تین میل کے اندر بنظر سہولت مرکزی مقامات قائم کرکے حدودات کی تحقیقات کرے۔ کسی حدود کی سماعت کی غرض سے مستقر صدر آباد یا مستقر ضلع پر کبھی پیشی مقرر نہ کیجانی چاہیئے۔ بجز اس صورت کے کہ فریقین اسکی خاص طور پر استدعا کریں۔ بوقت دورہ عہدہ دار بندوبست جنگلات ہمراہ متعلقہ عہدہ دار جنگلات رہیگا جو اپنے سررشتہ کے مطمح نظر کو تحقیق طور پر پیش کرنے کا ذمہ دار ہوگا۔ اظہارات کی قلمبندی شہود پر سوالات ابتدائی و جرح ترتیب امور تنقیح طلب و ترتیب نقل و شہادت دستاویزی لسانی میں وہی طریقہ اختیار کیا جائیگا جو عام طور پر عدالت کے دیوانی کے لیے ضابطہ دیوانی میں محکوم ہے۔ عہدہ دار بندوبست جنگلات کے روبرو جو دعاوی تحریراً یا بالمشافہ پیش ہوں انکے نقول تاریخ رجوع دعاوی سے چار دن کے اندر سرکار جنگلات کو دست بدست حوالہ کیے جائینگے یا بتوسط اس پیروکار کے جو تحت دفعہ (۷) قانون جنگلات مقرر کیا گیا ہو روانہ کردیے جائینگے۔ سررشتہ جنگلات کے حقوق اور دعاوی پیش شدہ بنسبت سررشتہ کے جوابات اندرون ایکماہ لازماً پیش کردیے جائینگے جسکے بعد دعویداروں کو جواب الجواب کا موقع دیکر عہدہ دار بندوبست جنگلات تنقیحات قائم کریگا اور بعد سماعت بحث فریقین روئداد مقدمہ کے لحاظ سے فیصلہ صادر کریگا۔

True extract from Rawayed Bandobast Sehra
Munsalik Mahruba Sarkar Ali

With me

FOREST SETTLEMENT OFFICER.
GULBARGA.

Sl. No 2 Dept 2
18

Government of Mysore

No.RFT/12/39/62-63

Office of the
Forest Settlement Officer
Gulbarga.
Dated: 23rd-Nov, 1962

To,

The Divisional Forest Officer,
Gulbarga.

Sub:- Reservation of Forest Block Kalbhavin, Taluka Chincholi, Dist, Gulbarga- Draft Notification U/s 4 of the Hyderabad Forest Act of 1355 Fasli

Ref:- Yr.L.No.Sy.C.101/30/54 dated; 2nd Nov, 1962.

Sir,

In reply to your above referred letter I have to give the following information on the points raised by the Chief Conservator of Forests, Bangalore in the case.

1. APPOINTMENT OF FOREST SETTLEMENT OFFICER UNDER CLAUSE 4(C) OF THE HYDERABAD FOREST.

The Forest Settlement Officer has been appointed through Government Order No.AFD-258-FRG-59 dated; 28th July, 1960 for a period of two years at a first instance. This period has been further extended for another two years by Government Order No.AFD 146 FRG 62 dated; 23rd October, 1962.

2. APPOINTMENT OF A FOREST OFFICER.

Usually the Forest Range Officer is attending the enquiry, on behalf of the Divisional Forest Officer, being made by the Forest Settlement Officer.

3. APPOINTMENT OF DEPUTY COMMISSIONER OF THE DISTRICT OR DIVISIONAL COMMISSIONER TO HEAR APPEALS FOR ANY ORDERS PASSED BY THE FOREST SETTLEMENT OFFICER UNDER SECTIONS 10 AND 11

UnderSection16(a) any appeal against the order passed by the Forest Settlement Officer is to be preferred to the Forest Court constituted under section 17 and if no such court is constituted this appeal will have to be preferred to the "SUBEDAR" i.e., The Divisional Commissioner. In this area no court has been constituted by the Government. Therefore, the appeals of the Forest Settlement Officer will be head by "SUBEDAR" i.e., The Divisional Commissioner. But kind these powers have been delegated to the Mysore Revenue Appellate Tribunal. Therefore the appeals of the Forest Settlement, will have be preferred to the Mysore Revenue Appellate Tribunal.

On 20-7-1949 through G.O.No.26 the Government of Hyderabad abolished the post of "SUBEDAR" (Divisional Commissioners) and crest Board of Revenue, which came into existence on 1-8-1949. The Government of Hyderabad through Notification No.14 dated; 7-8-1949 has authorised Board of Revenue to exercise and perform all the powers and duties of "SUBEDAR" mentioned in the Hyderabad Land Revenue Act or in any other Act for the time being in force. With this notification of the Government the appellant powers of the Subedars under section 16(a) of the Hyderabad Forest Act have been automatically transferred to the Board of Revenue.

With the re-organisation of states the office of the Board of Revenue was again abolished in the Hyderabad Karnatak area and a post of Divisional Commissioner was created who was authorised to exercise the powers and perform the duties of the Board of Revenue. But the powers of the Board of Revenue have been divided into two categories.

1. Administrative powers.
2. Judicial powers.

The Divisional Commissioner, Gulbarga has been delegated almost all the Administrative powers of Board of Revenue with some minor changes.

The Judicial powers, ie. the appellant power under various acts have been delegated to the Mysore Revenue Appellate Tribunal.

Sl. No. 2-D-P.2

Therefore, the appellant authority who will be empowered to hear the appeals against the orders of the Forest Settlement Officer, will be Mysore Revenue Appellate Tribunal.

This is for your information and necessary action.

Yours faithfully
Sd/-xx
(Mir Jafar Ali Khan)
Forest Settlement Officer,

Copy submitted to the Conservator of Forests, Bellary Circle, Bellary for ~~xxx~~ favour of information.

Sd/-
Forest Settlement Officer,
Gulbarga.

/ True Copy/

for FOREST SETTLEMENT OFFICER.
GULBARGA.

Sl No 2 E

16

Copy of letter No.B6-21-1571/55 dated; 23-8-1962 from the Chief Conservator of Forests, Bangalore addressed to the Divisional Forest Officer, Gulbarga.

Sub:- Reservation of Forest Block, Kalbhavin, Taluk Chincholi District Gulbarga- Draft Notification U/s 4 of the Hyderabad Forest Act 1355 Fasli-

Ref:- Yr.L.No.Sy-10-30-54 Dated; 6-8-1962.

Though it was pointed out in this office endorsement of even number dated; 20-6-1962 that the draft notification submitted by him is incomplete in view of the observations made by this office in respect of Shadipur block(vide this office endorsement of even number dated; 27-9-1961) the instructions contained therein have not been attended to and the draft notification is resubmitted without indicating therein(1) the appointment of Forest Settlement Officer under clause 4(c) of the - Hyderabad Forest Act (2) Appointment of a Forest Officer(usually the Division 1 Forest Officer of the Division) who shall attend at the enquiry to be made by the Forest Settlement Officer and(3) appointment of the Deputy Commissioner of the District or the Divisional Commissioner as required by section 16(a) of the Act to hear appeals from any orders passed by the Forest Settlement Officer under sections 10 and 11. It should be verified whether the words"Subedar" mentioned in section 16(a) has been changed to "Talukadar" after the abolition of posts of Subedars in the year 1954 or so, before entering the designation of the Appeallate Authority under section 16(a) of the Act. For wording of the above clauses and sample form of Notification Under section 4 he should refer to one of the Notifications either of Belgaum Circle or coorg circle published in the Mysore Gazette. The Forest Settlement Officer, Gulbarga should also be consulted in the matter.

As regards inclusion of patta lands, his attention is invited to this office letter of even No. dated; 12-1-1962 . It is presumbed that the points reaised therein have been fully - taken into consideration. This should be confirmed.

The notification under section 4 should be submitted through the Deputy Commissioner or the Divisional Commissioner, whose endorsement concurring with the proposal should be among the papers to be transmitted to Government.

Two copies of the draft notification with all its accompaniments in duplicate are required in this office one for this office and other for transmission to Government.

The accompaniments recived with his above reference are therefore, returned herewith for ~~resubmission~~ re-submitting duly completed in all respects through the Deputy Commissioner and Conservator of Forests, Bellary. Immediate action is necessary to provide sufficient work for the Forest Settlement Officer.

Sd/-xx
Chief Conservator of Forests,
Dt.2nd Nov,1962

No.Sy.C.101/30/54

Copy forwarded with complements to the Forest settlement Officer, Gulbarga with a request to kindly enlighten the U/s on the ~~matter~~ ~~in~~ above.

Sd/-xx
Divisional Forest Officer,

/ True Copy/

for FOREST SETTLEMENT OFFICER.
GULBARGA.

Sl. No 2 F 31
15

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub:- Appointment of a Forest Settlement Officer for Gulbarga Division.

AGRICULTURE & FOREST DEPARTMENT

G.O.No.AFD 258 FEE 59, Dated, Bangalore 28th July, 1960

Read:-

Letter No.B6-21-1591/59 dt.1st Dec, 1959 of the Chief Conservator of Forests, Bangalore.

ORDER

The question creating the post of a Forest Settlement Officer for the Gulbarga Division has been under consideration of Government, for some time past. It is observed that out of the total forest area of 638.38 squire miles in the Gulbarga Division, an extent of 354.32 square miles have no legal position with the result that the protection of these forest has become a problem. Since it is considered necessary to settle the claims and rights over the lands to be finally maintained as Forests as well as to prepare village-wise Forest Register and Maps after clear demarcation of boundaries, Government are pleased to accord sanction to ~~xxxxxxxxxx~~ the creation of a post of Forest Settlement Officer in the scale of Rs.300-700 with the following staff for a period of two years in the first instance. The post may be filled up by obtaining the services of an experienced Assistant Commissioner from the Revenue Department.

Designation.	No.	Pay Scales
i) I Divnsion Clerk	1	Rs.75-180/-
ii) II division Clerks	2	Rs.50-120/-
iii) Typist II Grade	1	Rs.55-150/-
iv) Surveyors	2	Rs. 55-120/-
v) Draughtsman	1	Rs.70-150/-
vi) Peons	4	Rs. 25-½-35/-

Government are also pleased sanction an amount of Rs.1,67,800/- (Rupes one lakh sixty seven thousand eight hundred only) on the above account as per details given below:-

Recurring Expenditure	No.	Pay P.M. Rs.	D.A. P.M Rs.	Amount per annum Rs.
Forest Settlement Officer(300-700)	1	522	55	6924
I Division Clerk.(75-180)	1	134	35	2028
II Division Clerk (50-120)	2	85	30	2760
Typist II Grade(55-150)	1	112	35	1764
Surveyors (55-120)	2	85	30	2760
Draughtsman (70-150)	1	118	35	1836
Peons (25-½-35)	4	30	25	2640
				26,712
Travelling allowance to the Forest Settlement Officer, Rs.200/-P.M.				2,400
Travelling Allowance to Staff (Lump)				3,600
				6,000

Contd.2.

Sl. No. 2 F. pr

32c

Contingencies

Rent for office building @ Rs.150/ P.M.	1,800
Stationary & other contigency @ Rs.100/-P.M.	1,200
Liveries to peons (Lump)	150
	3,150

Conservancy for survey and demarcation etc.(lump) 50,000

Total Recurring expenditure . per annum	79,862/-
for two years.	1,59,724/-

Non-recurring

1. Purchase of furniture	2,000
2. Purchase of instruments and drawing equipments.	3,000
3. Purchase of tents.	1,500
4) Purchase of Typewriters(Policy Size)	1,500
	8,000

GRAND TOTAL Rs. 1,67,724/- or 1,67,800/-

The head quarters of the Forest Settlement Officer may be located Gulbarga. He shall be directly under the control of the Conservator of Forests,Bellary.

The staff sanctioned may be obtained from the Revenue Department where-ever,Bellary.

~~The staff sanctioned may be obtained from~~

The expenditure on account of T.A.etc., is debitable to the head of account " 10 Forests-C.Establishment" and that on account of demarcation and erection of boundary stones to "10-Forest-B-Conservancy work-21 demarcation " and should be met from the provision made therein Budget for 1960-61.

By order and in the name ofthe
Sd/-xx
(N.Choodappa)
Under Secretary to Government
Agriculture & Forest Department.

To,

The Chief Conservator of Forests,Bengalore.
The Conservator of Forests,Bellary.
The Accountant General,Mysore,Bangalore through Fin.Dept.
The Divisional Forest Officer,Gulbarga.
The weekly Gazette.

/ True Copy/

for FOREST SETTLEMENT OFFICER.
GULBARGA.

S/no 1 Page 1.

33 13

F. No. 45

GOVERNMENT OF MYSORE

OFFICE OF

THE DIVISIONAL COMMISSIONER, GULBARGA

DIVISION GULBARGA

Tele-gram / phone

No. REV. 500 (2) RD. 68-69.

Date 26-2-1969

Encls. (9) pages.

To

The Secretary to the Government of Mysore,
Agriculture and Forest Department,
Vidhana Soudha, Bangalore.
BANGALORE.

L.&L. SECTION
A.&F.D.
No. 07214
Date 28 FEB 1969
Section 1272/FB

Sir,

Sub:- Control and Supervision over the Forest Settlement Officer, under the Hyderabad Forest Act and Rules framed thereunder.

1496/FB/69

Please find enclosed herewith a copy of letter No. 1/4/RFT/62-63 dated 31-1-1969, addressed to the Conservator of Forest, Bellary, with a copy to this office, by the Forest Settlement Officer, Gulbarga on the above subject. The position of law and Rules are indicated by the Forest Settlement Officer, and his view, in my opinion appears to be correct. Necessary modification to the Government order No. AFD 258 FEG 59 dated 28-7-1960 regarding the control over the Forest Settlement Officer, may please be issued immediately.

Yours faithfully,

Badami

For Divisional Commissioner,
Gulbarga.

O.C. signed by
Divl. Commr.

Srikantaiah

1/3/69

Forest (B) 1/3

Submitted.

This pertains to the question of the establishment of the office of the Forest Settlement Officer, Gulbarga, and control and supervision over him. Hence, this may be transferred to Forest Section A for further action.

5-3-69

FR Sachin 5/3/69

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This may be returned to Forest 'B' as
Mysore is dealing with Acts & Rules for all the
Areas in New Mysore State.

1883

5/3.

Forest B) 5/3

The Secretary to the Government of Mysore,
Agriculture and Forest Department,
Vidhana Soudha, Bangalore.
B A N G A L O R E.

Sub:- Control and Supervision over the Forest
Settlement Officer, under the Hyderabad
Forest Act and Rules framed thereunder.

Please find enclosed herewith a copy of letter No. 1/4/RFT/62-63 dated 31-1-1963, addressed to the Conservator of Forest, Bellary, with a copy to this office, by the Forest Settlement Officer, Bellary on the above subject. The position of law and rules are indicated by the Forest Settlement Officer, and his view, in my opinion appears to be correct. Necessary modification to the Government order No. dated 28-7-1950 regarding the control over the Forest Settlement Officer, may please be issued immediately.

Yours faithfully,

C.O.signed by
Divl. Comr.

for Divisional Commissioner,
Bellary.

S/no 1A - page 1. 35

Copy of letter No. 1/4/RFT/62-63 dated 27th/31st Jan; 1969 from the Forest Settlement Officer, Gulbarga, addressed to the Conservator of Forests, Bellary Circle, Bellary.

Sub:- Control and supervision over the Forest Settlement Officer, under the Hyderabad Forest Act and the Rules framed thereunder.

Sir,

After the receipt of the Chief Conservator of Forest's letter dated; 27th November, 1968 in file No.1/4/RFT/62-63 in which he has made an allusion to the fact that the Department is not competent to decide the legality or otherwise of the procedure followed by the Forest Settlement Officer, who are officials of Revenue Department. In this regard, I would like to submit that the matter about the authority under whose supervision and control I am to work has become un clear. Under rule 2 framed under the Hyderabad Forest Act 1326 Fasli, It is stated that a revenue Officer may be specially appointed as Forest Settlement Officer or the duties of the post may be entrusted to the Second Talukdar (Assistant Commissioner) of the Division Concerned and it is also stated clearly and categorically that for all purposes the Forest Settlement Officer would work under the subedar (Divisional Commissioner) or subedars or (Divisional Commissioner's) to whom his appeal lie. In rule 3, it is laid down that, although the Forest Settlement Officer is a Revenue Officer, his work is court work. The Forest Department of the District concerned is one of the parties before Forest Settlement Officer's Court. And this is laid down in rule 12. On tour, the concerned forest Officer will accompany the Forest Settlement Officer and he will be responsible for seeing that the point of view of the Forest Department is properly represented. The copies of all claims received in writing or presented personally to the Forest Settlement Officer shall be forwar- within four days of receipt to the Divisional Forest- Officer or shall be sent through the person appointed by the Government under Section 7, corresponding to section 4 of the Hyderabad Forest Act 1355 Fasli. After receving claims and replies of the Forest Department, which shall be put in within a month after giving an apportunity, of rejoinder to the original claiments, The forest Settlement Officer shall frame issues and record evidence after hearing the parties and decide on the facts of the case. Section 16 also is indicative of the fact that any officer or other person generally or specially empowered by the Government to file written replies etc., can also file appeals.

Thus, to mete out justice between the Forest Department concerned and other private parties regarding the settlement of rights and claims, the Forest Settlement Officer is expected to hold the scales of justice even as he has to pass orders, conforming to the Civil procedure Code and Evidence Act etc., and this is the reason why the post is treated for all purposes as a court and required to work under the subedar. The true urdu extract of rule 2,3 and 12 along with translation is enclosed herewith for your kind perusal. These rules have been framed under section 63 of Hyderabad Forest Act 1326 Fasli. As no new rules have been framed under the Hyderabad Forest Act 1355 Fasli, the above rules are still in force in this region and so they may be said to be statutory rules having the force of law. Under Section 85 of Hyderabad Forest Act 1355 Fasli These rules have been saved by repeal and sacing clause. Even in article 366 clause 10 of the constitution of India, the word

Sl no 1A - page 2 36 10

"Existing law" has been defined as follow.

"Existing law" means any law, ordinance, order, bye-law rule or regulation passed or made before the commencement of this constitution by any legislature, authority or person having power to make such a law, ordinance, order bye law, rule or regulation.

According to the above defination it may be safely, stated although these rules have been framed before the constitution of India come into force, never the less, they have been defined existing law and so the above rules made under the Hyderabad Forest Act.1326 Fasli are existing law. Also under article 13 clause (3) sub-clause (a) "Law" has been defined as under.

"Law" includes any ordinance order, bye-law, rule, regulation notification, custom or usage having in the territory of India the force of law, and laws in force has been defined in sub-Clause(B) of article 13"Law in force" is defined as under.

"Laws in force" includes laws passed or made by a legislature or other competent authority in the territory of India-before the commencement of this constitution and not previously repealed. not with standing that any such law or any part thereof may not be then in operation either at all or in particular areas. Therefore these rules have the force of law and are operative in Hyderabad Karnatak area.

According to Sub-Section 3 of Section 7 of the Mysore Land Revenue Act 1964, the Divisional Commissioner will exercise powers and discharge the duties conferred and imposed on him by or under this act or any other law for the time being in force. The Forest Act and the rules come under the category of law" any other law for the time being in force" so under this section also, the Divisional Commissioner is empowered to exercise supervision and control over the Forest Settlement officer as he is appointed-under the Forest Act and the rules which are for the time being inforce. so under this section also, the Divisional Commissioneris empowered to exercise supervision and control over the forest Settlement Officer as he is appointed under the Forest Act and the rules which are for the time being in force.

As far as appeals from the orders of the Forest Settlement Officer, are concerned, they will lie to the Revenue Appellate-Tribunal because the powers of appeal and revision now are vested with the Revenue Appellate Tribunal and not the Divisional Commissione as per Mysore Land Revenue Act. In section 3 of the Mysore Land Revenue Amendment Act No. 2 of 1966. It is stated that all appeals and proceedings pending before the Divisional Commissioner from any order or proceedings disposed of by any officer sub-ordinate to th Divisional Commissioner under any enactment of law repealed by Sub-Section (1) of section 202 of the principal act or any rule or order made there under shall stand, transferred to the Tribunal and shall be disposed of by the Revenue Appellate Tribunal. Thus the power to the extent of appeal and revision have been taken away and conferred on Mysore Revenue appellate Tribunal. But so far as the administrative control is concerned it still lies with the Divisional Commissioner as stated in sub-Section 3, of Section 7 of the Mysore Land Revenue Act and the Chief Conservator of Forests has referred to this in his letter already mentioned.

S/20/A-page 3 37

After the receipt of the Chief Conservator of Forests, letter dated, 30-11-1968, I pwrused the rules framed under the Forest Act. carefully and went through the original Government order. This Government order dated; 28th July 1960 read with orders of extension states that the Forest settlement officer should work directly under the control of Conservator of Forests Bellary. Thus as a resuat of the above Government order, I shall be considered as Sub-ordinate to the Conservator of Forests Bellary. But under the Forest Act and its rules and also the Land Revenue Act, the Forest Settlement officer is considered as Sub-ordinate officer to the Divisional Commissioner. These contrary position in my opinion cannot be re-conciled with each other. previously, the Chief Conservator of Forests in his letter No. B6-21-1571/58 dated 23-8-62 sought the clarification about the appointment of the Deputy Commissioner of the District or the Divisional Commissioner as required by Section 16(a) of the Act to hear appeals from any orders passed by the Forest Settlement officer under Section 10 and 11. He has also directed to verify whether the words subedar mentioned in section 16(a) has been changed to the talukdar after abolishion of the posts of subedars in the year 1954 or so, before entering the designation of the appellate authority under Section 16(a) of act. The then Forest Settlement officer in his letter dated 24-11-1962 has sent a ~~xxxxx~~ clarification on various points raised in the said letter of chief Conservator of Forests. He has pointed out on page 2 of his letter that the powers of Board of Revenue have been divided into two categories.

1. Administrative.
2. Judicial powers.

He has also pointed out that the Divisional Commissioner, Gulbarga has been delegated almost all the Administrative powers with some minor changes. The appellate powers under various acts have been delegated to Mysore Revenue Appellate Tribunal and a copy of his letter is enclosed herewith. The copy of the letter of the chief Conservator of Forests, Bangalore addressed to the Divisional ~~xxxxxx~~ Forest officer, is also sent herewith for favour of kind perusal. The said letter of the Forest settlement officer is a pointer to the fact that administrative control and supervision vest in the subedar. Hence I request the Chief Conservator of Forests, through Conservator of Forests, Bellary kindly to get a clarification from the Secretary to the Government Forest Department in this behalf. This may kindly be treated as urgent and clarification sought may kindly be given.

Yours faithfully,

Sd/-
Forest Settlement officer,
Gulbarga.

True copy
Bhagyajyothi
Subedar. 26/2

Copy submitted to the Chief Conservator of Forests, Bangalore. for favour of information and necessary action.

Copy submitted to the Divisional Commissioner, Gulbarga for favour of information and necessary action.

Sd/-
Forest Settlement officer,
Gulbarga.

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RULE 2

The Forest Settlement Officer appointed under section 7 of Hyderabad Forest Act 1326 Fasli will either be a Revenue - Officer especially appointed for this purpose or the Second - Talukdar of the division concerned and in all events the Forest Settlement Officer would be deemed to be a sub-ordinate to the subedar(Divisional Commissioner) or subedar's (Divisional Commissioner's) to whom the appeal or the appeals lie from the orders of the Forest Settlement Officer. However in the case of the Forest Settlement Officer being the Second Talukdar of the division, he will work as Forest Settlement Officer under the direct control of the subedar(Divisional Commissioner) and he will send his daily dairy to him. But his applications for leave and T.A. Bills will be submitted to the Firest Talukdar(Deputy Commissione In ~~ax~~ the case of special whole time Forest Settlement Officer being appointed these papers will be sent to Forest Section of the Revenue Secretariat and the budget provision will be made by the Forest Department.

X

B

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RULE 3

The Forest Settlement Officer although is a Revenue Officer but his court is a judicial court and in his procedure he will follow the general principles prescribed for hearing of civil - cases, He should realise however that he is more than a court in settling claims which are presented. It is his duty to see that every public or private right within the reserve is investigated and settled. The fact that a claim may not have been made within the fixed time does not annhilate the claim in law, but the Forest Settlement Officer must take into consideration the circumstances in which the notices are published and ensure that every body that may have a claim does realise that the Forest Settlement Work has begun and that the claims should be made.

C

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RULE 12

Enquires should be made by Forest Settlement Officer, as far as possible at convenient centr~~e~~ within 3 miles of the proposed reserve boundary. Cases should never be fixed for hearing at Hyderabad or even at the District Head Quarters,except in cases where the parties so specially desire. The concerned forest Officer shall accompany the Forest Settlement Officer during his tour who will be responsible for representing correctly the view of the Forest Department. The procedure to be followed in regard t evidence, in the examination and cross examination of witnesses, i framing issues and in arranging documents and other evidence and construction of files the same procedure will be adopted as laid down in the Civil Procedure Code for Civil Courts. Copies of all claims received in writing or presented to the Forest Settlement Officer shall be forwarded within 4 days of receipt to the Divisional Forest Officer or shall be sent through the person appointed by the Government under section 7. After receiving claims and replies of the Forest Department which shall be put in within a month, and after giving an opportunity a rejoinder from the original claimants, the Forest Settlement Officer shall frame issues and record evidence and after hearing the parties, decide on the facts of the cases.

/ Translation from original Urdu rules to English/

FOREST SETTLEMENT OFFICER.
GULBARGA.

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تقرر عہدہ دار بندوبست جراد! قاعدہ - ۲ - تحت دفعہ (۷) قانون جراد ممالک محروسہ سرکار عالی

فرمان سنہ ۱۳۲۶ ف ضرورت عہدہ دار بندوبست جراد پر ایسے عہدہ داران مال کا تقرر عمل میں آسکیگا - جو بطور خاص اس کام کے لیے منتخب کیا جائے یا ضرورت مذکور کے فرائض متعلقہ ڈویژن مال کے دوم تعلقدار کے تفویض ہو سکینگے اور ہر صورت میں عہدہ دار بندوبست جراد اس صوبہ دار یا ان صوبہ داران کے ماتحت متصور ہوگا جسکے یا جنکے پاس اسکے تقاوی نیز کا مرافعہ ہو سکتا ہے البتہ جبکہ عہدہ دار بندوبست جراد دوم تعلقدار یا ڈویژن ہو تو راست صوبہ دار کی نگرانی میں کام اور صوبہ دار کے پاس اپنا روزنامچہ پیش کریگا - لیکن اسکی درخواست برائے رخصت برآمدات سفر خرچ وغیرہ اول تعلقدار ضلع متعلقہ کے پاس پیش ہو سکینگے اور جب ضرورت بندوبست جراد پر ایک خاص عہدہ دار کا تقرر کیا جائے جبکہ سالم وقت ضرورت مذکور کے فرائض کی انجام دہی میں صرف ہوتا ہو تو اس صورت میں ایسے عہدہ دار کی درخواست برائے رخصت - برآمدات سفر خرچ وغیرہ راست صوبہ دار کی نگرانی کے ساتھ خرچ کی صفحہ حساب میں پیش ہوا کرینگے - اور اخراجات لاحقہ کیلئے گنجائش کا انتظام سررشتہ خرچ سے ہوا کریگا -

قاعدہ (۳) - عہدہ دار بندوبست جراد اگرچہ عہدہ دار مال ہے لیکن اس کا اختیار ایک عدالتی اختیار متصور ہوگا اور طریقہ کارروائی میں وہ مجموعہ ضابطہ دیوانی کے عام اصول کے مطابق عمل کریگا - مگر یہ امر عہدہ دار مذکور کے ذہن نشین رہنا چاہیئے کہ اسکی حیثیت ایک ایسے عہدہ دار عدالتی کی ہے اور اس سے کچھ علیحدہ بھی ہے جو محض ان دعاوی کی سماعت اور تصفیہ کا مقتدر ہے جو اسکے روبرو کسی فریق کی جانب سے پیش ہوں لیکن کم از کم ایسے دعاوی کی سماعت اور تصفیہ کے علاوہ عہدہ دار بندوبست جراد کا یہ بھی فرض ہوگا کہ اس امر کا بطور خود اطمینان کرلے - کہ بیدخلی یا خانگی حق موقوعہ اندرون حدود جراد کے مصورہ کا کامل تحقیقات کے بعد ہی تصفیہ کر دیا گیا ہے - مثلاً اگر کسی حق کی نسبت اندرون مدت حقیہ مقررہ قانون دعوی پیش نہ ہو ایسا دعویٰ قانونی نقطہ نظر سے ناقابل سماعت متصور ہوتا ہے لیکن ایسی تجویز سے قبل عہدہ دار بندوبست جراد پر لازم ہوگا کہ ان حالات پر غور کرے جن کے تحت اعلانات طلب دعاوی کے تشہیر عمل میں آتی ہے اور اسکو اسکا کافی اطمینان کرلینا ہوگا کہ ہر شخص جس کو کوئی حقوق حاصل ہوں یہ محسوس کر چکا ہے کہ بندوبست جراد کا کام آغاز ہو چکا ہے اور اسکو فوراً دعاوی پیش کر دینے چاہئیں ورنہ اسکے حقوق تلف ہو جانے کا اندیشہ ہے -

True extract from Gazetted Bandobast Setra Mumalik Mahroosa Sarkar Ali.

for FOREST SETTLEMENT OFFICER.
GULBARGA.

40

قاعدہ ۱۲ عہدہ دار بندوبست صحرا کو لازم ہوگا کہ رقبہ جوزہ کے حدود سے متصل مل کے اندر نظر سہولت مرکزی مقامات قائم کرکے حدودات کی تحقیقات کرے۔ کسی حدود کی سماعت کی غرض سے مستقر صدر آباد یا مستقر ضلع پر کبھی پیشی مقرر نہ کیجانی چاہیئے۔ بجز اس صورت کے کہ فریقین اسکی خاص طور پر استدعا کریں۔ بوقت دورہ عہدہ دار بندوبست صحراء کے ہمراہ متعلقہ عہدہ دار جنگلات رہیگا جو اپنے سررشتہ کے مطمح نظر کو ٹھیک طور پر پیش کرنے کا ذمہ دار ہوگا۔ اظہارات کی قلمبندی شہود پر سوالات ابتدائی و جرح ترتیب امور تنقیح طلب و ترتیب نقل و شہادت دستاویزی و لسانی میں وہی طریقہ اختیار کیا جائیگا جو عام طور پر عدالت کے دیوانی کے لیے ضابطہ دیوانی میں محکوم ہے۔ عہدہ دار بندوبست صحراء کے روبرو جو دعاوی تحریراً یا بالمشافہ پیش ہوں انکے تقول تاریخ رجوع دعاوی سے چار یوم کے اندر مددگار جنگلات کو دست بدست حوالہ کیئے جائینگے یا بتوسط اس پیروکار سرکار کے جو تحت دفعہ (ب) قانون صحراء مقرر کیا گیا ہو روانہ کردیئے جائینگے۔ سررشتہ جنگلات کے حقوق اور دعاوی پیش شدہ کے نسبت سررشتہ کے جوابات اندرون ایکماہ لازماً پیش کردیئے جائینگے جسکے بعد دعویداروں کو جواب الجواب کا موقعہ دیکر عہدہ دار بندوبست صحراء تنقیحات قائم کریگا اور بعد سماعت بحث فریقین روئداد حدود کے لحاظ سے فیصلہ صادر کریگا۔

True extract from a memorandum Bandobast Sehra Mumalik Mahrusa Sarkar Ali.

Illegible

FOREST SETTLEMENT OFFICER.
GULBARGA.

FOREST SETTLEMENT OFFICER.

S1920 1D-Page 4 415

GOVERNMENT OF MYSORE

No.RFT/12/39/62-63

Office of the
Forest Settlement Officer
Gulbarga
Dated: 23rd Nov,1962

To,

he Divisional Forest Officer,
Gulbarga

Sub:-Reservation of Forest Block Kalbhavin,Taluka Chincholi,Dist.Gulbarga- Draft Notification U/s of the Hyderabad Forest Act of 1355 Fasli

Ref:- Yr.L.No.Sy.C.101/30/54 dated; 2nd Nov,1962

Sir,

In reply to your above referred letter I have to give the following information on the points raised by the Chief Conservator of Forests,Bangalore in the case.

1. APPOINTMENT OF FOREST SETTLEMENT OFFICER UNDER CLAUSE 4(C) OF THE HYDERABAD FOREST.

The Forest Settlement Officer has been appointed through Government Order No.AFD-258-FEG-59 dated;28th July,1960 for a period of two years at a first instance. This period has been further extended for another two years by Government Order No.AFD 146 FNG 62 dated;23rd October,1962.

2. APPOINTMENT OF A FOREST OFFICER.

Usually the Forest Range Officer is attending the enquiry, on behalf of the Divisional Forest Officer,being made by the Forest Settlement Officer.

3. APPOINTMENT OF DEPUTY COMMISSIONER OF THE DISTRICT OR DIVISIONAL COMMISSIONER TO HEAR APPEALS FOR ANY ORDERS PASSED BY THE FOREST SETTLEMENT OFFICER UNDER SECTIONS 10 & 11

Under section 16(a) any appeal against the order passed by the Forest Settlement Officer is to be preferred to the Forest Court constituted under section 17 and if no such court is constitututed this appeal will have to be preferred to the"SUBEDAR" i.e the Divisional Commissioner. In this area no court has been constitututed by the Government. Therefore, the appeals of the Forest Settlement Officer will be heard by"SUBEDAR" i.e., The Divisional Commissioner. But kind these powers have been delegated to the Mysore Revenue Appellate Tribunal. Therefore the appeals of the Forest Settlement Officer will have be preferred to the Mysore Revenue Appellate Tribunal.

On 20-7-1949 through G.O.No.26 the Government of Hyderabad abolished the post of "SUBEDAR"(Divisional Commissioners) and create Board of Revenue, which came into existence on 1-8-1949.(+) has authorised Board of Revenue to exercise and perform all the powers and duties of "SUBEDAR" mentioned in the Hyderabad Land Revenue Act or in any other Act for the time being in force. With this notification of the Government the appellant powers of the Subedars under section 16(a) of the Hyderabad Forest Act have been automatically transferred to the Board of Revenue.

(+) The Govt. of Hyderabad through Notification No.15 dated 7-8-1949

With the re-organisation of states the office of the Board of Revenue was again abolished in the Hyderabad Karnatak area and a post of Divisional Commissioner was created who was authorised to exercise the powers and perform the duties of the Board of Revenue. But the powers of the Board of Revenue have been divided into two catagories.

1. Administrative powers.
2. Judicial powers.

Conti.2.

42.

The Divisional Commissioner,Gulbarga has been delegated almost all the Administrative powers of Board of Revenue with some minor changes.

The Judicial powers,i.e., the appellate power under various acts have been delegated to the Mysore Revenue Appellate Tribunal.

Therefore, the appellate authority who will be empowered to hear the appeals against the orders of the Forest Settlement Officer,will be Mysore Revenue Appellate Tribunal.

This is for your information and necessary action.

Yours Faithfully
Sd/-xx
(Mir Zafar Ali Khan)
Forest Settlement Officer

Copy submitted to the Conservator of Forests,Bellary Circle, Bellary for favour of information.

Sd/-xx
Forest Settlement Officer,
Gulbarga.

True Copy/

FOREST SETTLEMENT OFFICER.
GULBARGA.

S\no.1 E-page 1. (8) 3

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Copy of letter No.B6-21-1571/58 dated; 23-8-62 from the Chief Conservator of Forests, Bangalore addressed to the Divisional Forest Officer, Gulbarga.

Sub:- Reservation of Forest Block, Kalbhavin, Taluk Chincholi District Gulbarga- Draft Notification U/s 4 of the Hyderabad Forest Act 1355 Fasli.

Ref:- Yr. L.No.Sy-10-30-54 Dated; 6-8-1962.

Though it was pointed out in this office endorsement of even number dated; 20-6-1962 that the draft notification submitted by him is incomplete in view of the observations made by this office in respect of Shadipur block(vide this office endorsement of even number dated; 28-9-61)nthe instructions contained therein have not been attended to and the draft notificationis ~~xx~~ resubmitted without indicating therein(1) the appointment of Forest - Settlement Officer under clause 4(c) ~~thexappointmentx~~ of the Hyderabad Forest Act (2) .Appointment of a Forest Officer (usually the Divisional Forest Officer of the Division) who shall attend at the enquiry to be made by the Forest Settlement Officer and (3) appointment of the Deputy Commissioner of the District or the Divisional Commissioner as required by section 16(a) of the Act to hear appeals from any orders passed by the Forest Settlement - Officer under sections 10 and 11. It should be verified whether the words"Subedar" mentioned in section 16(a) has been changed to "Taluqdar" after the abolition of posts of subedars in the year 1954 or so, before entering the designation of the Appeallate - Authority under section 16(a) of the Act. For wording of the above clauses and sample form of Notification under section 4 he should refer to one of the Notifications either of Belgaum Circle or coorg circle published in the Mysore Gazette. The Forest Settlement - Officer, Gulbarga should also be consulted in the matter.

As regards inclusion of patta lands, his attention is invited to this office letter of even No.dated; 12-1-1962. It is - presumed that the points raised therein have been fully taken into consideration. This should be confirmed.

The notification under section 4 should be submitted through the Deputy Commissioner or the Divisional Commissioner, Whose endorsement concurring with the proposal should be among the papers to be transmitted to Government.

Two copies of the draft notification will all its accompaniments in duplicate are required in this office one for this office and other for transmission to Government.

The accompaniments received with his above reference are therefore, returned herewith for re-submitting duly completed in all respects through the Deputy Commissioner and Conservator of Forests, Bellary. Immediate action is necessary to provide sufficient work for the Forest Settlement Officer.

Sd/-xx
Chief Conservator of Forests,
Dt. 2nd Nov, 1962

No.Sy.C.101/30/54

Copy forwarded with complements to the Forest Settlement Officer, Gulbarga with a request to kindly enlighten the U/s on the above.

Sd/-xx
Divisional Forest Officer,

/True Copy/

for FOREST SETTLEMENT OFFICER.
GULBARGA.

S\no 1 F-page-1 (9) 44

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

-:-

Sub:- Appointment of a Forest Settlement officer for Gulbarga Division.

AGRICU TURE AND FOREST DEPARTMENT

G.O.No.AFD 258 FEG 59 dated; Bangalore 28th July,1960

Read:-

Letter No.B6-21-1591/59 dt.1st Dec,1959 of the Chief Conservator of Forests,Bangalore.

ORDER

The question creating the post of a Forest Settlement Officer for the Gulbarga Division has been under consideration of Government, for some time past. It is observed that out of the total forest area of 638.38 sqaure miles in the Gulbarga Division, an extent of 354.32 squre miles have no legal position with the result that the protection of these forest has become a problem. Since it is considered necessary to settle the claims and rights over the lands to be finally maintained as Forests as well as to prepare village- wise Forest Register and Maps after clear demarcation of boundaries,Government are pleased to accord sanction to the ~~ser~~ creation of a post of Forest Settlement - Officer in the scale of Rs.300-700 with the following staff for a period of two years in the first instance. The post may be filled up by obtaining the services of an experinced Assistant Commissioner from the Revenue Department.

Designation	No.	Pay scales
i) I Division Clerk	1	Rs.75-180/-
ii) II Division Clerks	2	Rs.50-120/-
iii) Typist II Grade	1	Rs.55-150/-
iv) Surveyors	2	Rs.55-120/-
v) Draughtsman	1	Rs.70-150/-
vi) Peons	4	Rs.25-½-35/-

Government are also pleased sanction an amount of Rs.1,67,800/-(Rupees one lakh sixty seven thousand eight hundred only) on the above account as per details given below;-

Recurring Expenditure	No.	Pay P.M. Rs.	D.A. P.M. Rs.	Amount per annum Rs.
Forest Settlement Officer (300-700)	1	522	55	6924
1 Divn.Clerk. (75-180)	1	134	35	2028
II Divn.Clerks(50-120)	2	85	30	2760
Typist II Grade(55-150)	1	112	35	1764
Surveyors(55-120)	2	85	30	2760
Draughtsman (70-150)	1	118	35	1836
Peons(25-½-35)	4	30	25	2640
				26,712
Travelling allowance to the Forest Settlement Officer,Rs.200/-P.M.				2,400
Travelling Allowance to Staff(Lump)				3,600
				6,000

Contigencies

Rent for office building @ Rs.150/-p.m.	1,800
stationary & other contigency @ Rs.100/-P.m.	1,200
Liveries to peons(lump)	150
	3,150

Conti.2.

Conservancy for survey and demarcation etc.(lump)	50,000
Total Recurring expenditure per annuam for two years.	79,862/- 1,59,724/-

Non.recurring

1. Purchase of furniture	2,000
2. Purchase of instrument and drawing equipments.	3,000
3. Purchase of tents.	1,500
4. Purchase of Typewriters(Policy Size)	1,500
	8,000

GRAND TOTAL Rs. 1,67,724/- or 1,67,800/-

The head quarters of the Forest Settlement Officer may be located Gulbarga. He shall be directly under the control of the Conservator of Forests,Bellary.

The staff sanctioned may be obtained from the Revenue Department where-every necessary.

The expenditure on account of T.A.etc., is debitable to the head of account "10 Forests-C.establishment" and that on account of demarcation and errection of boundary stones to "10-Forest-b-conservancy works-321 demarcation" and should be met from the provision made therein Budget for 1960-61

By order and in the name of th
Sd/-xx
(N.Choodappa)
Under Secretary to Government
Agriculture & Forest Department.

To,

The Chief Conservator of Forests,Bangalore
The Conservator of Forests,Bellary
The Accountant General,Mysore,Bangalore through Fin.Deptt.
The Divisional Forest Officer,Gulbarga.
The weekly Gazette.

True Copy

for FOREST SETTLEMENT OFFICER.
GULBARGA.